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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,751	04/17/2001	Eric A. Reiners	00-143	7391

7590

09/13/2002

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EXAMINER

LOPEZ, FRANK D

ART UNIT

PAPER NUMBER

3745

DATE MAILED: 09/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

S.M.

Office Action Summary

Application No.

09/836,751

Applicant(s)

REINERS ET AL.

Examiner

F. Daniel Lopez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-12 and 14-19 is/are rejected.
- 7) ☒ Claim(s) 4 and 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Drawings

The drawings are objected to because conventional features disclosed in the description and the claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the form of a graphical drawing symbol or a labeled representation (e.g. a labeled rectangular box; MPEP 608.02(d)). Therefore, the following items must be labeled appropriately: 12 as --frame of work machine--; and 48 and 50 as --pressure sensor--. Correction is required.

Claim Rejections - 35 USC § 112

Claims 3 and 12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3 and 12 do not further limit claims 2 and 1, respectively, since it is immaterial whether the brake is called the first or the second load.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1, 9, 10 and 17 are rejected under 35 U.S.C. § 103 as being unpatentable over Suzuki et al. Suzuki et al discloses a work machine having a hydraulic system carried by a frame and a method of operating the hydraulic system, comprising an

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independent metering valves including a plurality of independently and electronically controlled valves (e.g. 127, 126, fig 3), an inlet connected to a hydraulic pump (15), and first and second outlets connected to a fan motor (17) and a power steering system (16), respectively; but does not disclose that the independent metering valves are an assembly.

Official notice is taken that it is well known to combine a plurality of valves into a valve block assembly, for the purpose of ease of assembly of the system. It would have been obvious at the time the invention was made to one having ordinary skill in the art to combine the plurality of valves of Suzuki et al into a valve block assembly, for the purpose of ease of assembly of the system.

Claims 1, 5-10 and 14-19 et al (are rejected under 35 U.S.C. § 103 as being unpatentable over Izumi et al. Izumi et al discloses a work machine having a hydraulic system carried by a frame and a method of operating the hydraulic system, comprising an independent metering valves including a plurality of independently and electronically controlled valves (e.g. 11, 70, fig 21), an inlet connected to a hydraulic pump (1), and first and second outlets connected to first and second motors (6, 7), respectively; with first and third valves (e.g. 102 and corresponding valve for motor 7, fig 8, see column 33 line 13-23, column 22 line 53-60) coupled between the pump and first and second motors, respectively, and second and fourth valves (e.g. 105 and corresponding valve for motor 7, fig 8) coupled between a tank and first and second motors, respectively; and first and second pressure sensors (207, 208, fig 21) coupled with first and second outlets; and that the first and third valves are part of a first valve block (100, fig 8) and the second and fourth valves are part of a second valve block (101, fig 8); but does not disclose that the independent metering valves are an assembly, or that the pressure sensors are part of the assembly.

Official notice is taken that it is well known to combine a plurality of valve blocks into a valve block assembly, for the purpose of ease of assembly of the system. It would have been obvious at the time the invention was made to one having ordinary skill in the

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art to combine the plurality of valve blocks of Izumi et al into a valve block assembly, for the purpose of ease of assembly of the system.

Official notice is taken that it is well known to connect a pressure sensor to a valve block by attaching the sensor directly to the valve block, for the purpose of ease of assembly of the system. It would have been obvious at the time the invention was made to one having ordinary skill in the art to attach the sensor directly to the valve block assembly of Izumi et al, thereby forming the pressure sensors are part of the assembly, for the purpose of ease of assembly of the system.

Claims 1-3, 9-12, and 17 are rejected under 35 U.S.C. § 103 as being unpatentable over Lubbers et al in view of Crull et al. Lubbers et al discloses a work machine having a hydraulic system carried by a frame, and method of operating the hydraulic system, comprising a pump (24) connected to an inlet of a valve assembly and having first and second outlets connected to a power steering system (via 28) and a brake system (via 40), respectively; with the valve assembly including an independently and electronically controlled brake valve (34) and non-independently controlled valves (e.g. 30); but does not disclose that the valve assembly includes at least a second independently and electronically controlled valve; that the first outlet is connected to a fan motor.

Crull et al teaches, for a hydraulic system comprising a pump (12) connected to a power steering system (18, column 3 line 53-55) and a brake system (16); that the pump is also connected to a fan motor (38) by a second independently and electronically controlled fan valve (10)

Since Lubbers et al and Crull et al are both from the same field of endeavor, the purpose disclosed by Crull et al would have been recognized in the pertinent art of Lubbers et al. It would have been obvious at the time the invention was made to one having ordinary skill in the art to connect the pump of Lubbers et al to a fan motor by a second independently and electronically controlled valve, as taught by Crull et al, as a matter of engineering expediency.

Official notice is taken that it is well known to combine a plurality of valves into a valve block assembly, for the purpose of ease of assembly of the system. It would have been obvious at the time the invention was made to one having ordinary skill in the art to combine the fan valve with the valve assembly of Lubbers et al, for the purpose of ease of assembly of the system.

Since the first outlet has no particular indication, the fan motor can be connected to the "first outlet", through the fan valve, and the power steering system can be connected to a "third" outlet; with the only difference in the system being what the outlets are called.

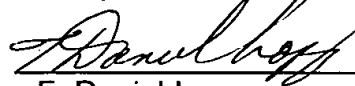
Conclusion

Claims 4 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record ~~and not relied upon~~ is considered pertinent to applicant's disclosure. TAL

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is (703) 308-0008. The examiner can normally be reached on Monday-Thursday from 6:30 AM -4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on (703) 308-1044. The fax number for this group is (703) 872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861.


F. Daniel Lopez
Primary Examiner
Art Unit 3745
September 3, 2002